



DOWE
36473-091503

***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 15, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (Council Member Cutler was absent.)

The Invocation was delivered by The Reverend Johnny Stone, Pastor, Hill Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 18, 2003, at 7:00 p.m., and Saturday, September 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING C. TAYLOR MUNICIPAL BUILDING C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

REGULAR SESSION

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

- a. A Resolution memorializing the late Betty Brooke Morris Parrott.

Adopted Resolution No. 36473-091503 (6-0)

File #367-323

3. CONSENT AGENDA

(APPROVED 5-0, Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, July 21, 2003, and recessed until Thursday, July 31, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132-110

- C-3 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: **Concur in the request.**
File #132-496

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: **Concur in the request.**
File #132-166

- C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: **Concur in the request.**
File #132-166

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: **Concur in the request.**
File #132-166

- C-7 A communication from the City Manager requesting that Council schedule a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to adoption of a revised

Cable Television Ordinance and approval of a renewal of the Franchise Agreement.

RECOMMENDED ACTION: **Concur in the request.**
File #132-448-117

C-8 Minutes of the Roanoke City Audit Committee held on Tuesday, September 2, 2003.

RECOMMENDED ACTION: **Receive and file.**
File #300

C-9 Qualification of Michael W. Conner as a member of the Towing Advisory Board, for a term ending June 30, 2006.

RECOMMENDED ACTION: **Receive and file.**
File #110-530

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request of the Commonwealth's Attorney to present cost collection results for fiscal year 2002-03. (10 minutes)

Receive and filed.
File #60-133

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Help Eliminate Auto Theft (H.E.A.T.) grant funds, in the amount of \$6,911.00; and execution of an agreement with the Virginia Department of State Police.

**Adopted Budget Ordinance No. 36474-091503 and Resolution No. 36475-091503 (6-0)
File #60-236-5**

2. Amendment to the City Code to allow the discharge of a firearm within City limits in connection with implementation of the City's Deer Management Plan.

**Adopted Ordinance No. 36476-091503 (5-1, Council Member Bestpitch voted no.)
File #24-54-212**

3. Execution of Assignment and Amendment Number One with SEMCO, Inc. of Virginia, to the Option Agreement with Roanoke Development, LLC, to purchase an 18.437-acre parcel of land known as "New Tract F", located in the Roanoke Centre for Industry and Technology.

**Adopted Ordinance No. 36477-091503 (6-0)
File #207-450**

4. Amendment to the Pay Plan Ordinance to include the Master Deputy Sheriff Program, a career enhancement program offered to Sheriff's Offices by the State Compensation Board, which began in 1995.

**Adopted Ordinance No. 36478-091503 (6-0)
File #18-108-121**

5. Acceptance of a Local Law Enforcement Block Grant, in the amount of \$102,351.00; and execution of an agreement with the Bureau of Justice Assistance.

Adopted Budget Ordinance No. 36479-091503 and Resolution No. 36480-091503 (6-0)
File #5-60-236

6. Acceptance of Runaway and Homeless Youth Act Program Grant No. 03CY0433/02, in the amount of \$126,675.00; and execution of an agreement with the U. S. Department of Health and Human Services.

Adopted Budget Ordinance No. 36481-091503 and Resolution No. 36482-091503 (6-0)
File #60-304-236

7. Acceptance of Base 2003 Office of Domestic Preparedness Equipment Program Grant funds; in the amount of \$79,657.00; and execution of an agreement with the Virginia Department of Emergency Management.

Adopted Budget Ordinance No. 36483-091503 and Resolution No. 36484-091503 (6-0)
File #60-188-236

BRIEFINGS:

9. Market Building (20 minutes)

Received and filed.
File #42

10. Zoning Ordinance Update (20 minutes)

Received and filed.
File #51

b. **DIRECTOR OF FINANCE:**

1. Financial report for the month of July 2003.

Received and filed.

File #10-60

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board to appropriate and transfer funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36485-091503 (6-0)

File #60-467

- b. A communication from the Roanoke City School Board requesting adoption of a resolution indicating that the City will participate in the 2003 Interest Rate Subsidy Program Bond Issue - VPSA School Financing Bonds, in connection with the Roanoke Academy for Mathematics and Science project; and that Council schedule a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Resolution No. 36486-091503 (6-0)

File #467-53-552

8. UNFINISHED BUSINESS: NONE.

**9. INTRODUCTION AND CONSIDERATION OF
ORDINANCES AND RESOLUTIONS: NONE.**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Wyatt, Council liaison to the Roanoke Civic Center Commission, advised that the Civic Center Commission has requested more timely transmittal of the City's Monthly Financial Reports.

File #192

Council Member Wyatt advised that it has been reported that in lieu of purchasing a ladder engine for the Fire Department, the City will instead purchase three refuse collection vehicles. The City Manager advised that she would respond to the inquiry prior to the 7:00 p.m. Council session.

File #472-70-144

The Mayor requested that the City Manager review the new traffic lane changes on Williamson Road.

File #20

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. John Kepley, 2909 Morrison Street, S. E., spoke with regard to the decision of Council to construct a stadium/amphitheater on Orange Avenue, in lieu of renovating Victory Stadium.

File #122-66

Mr. Chris Craft, 1501 Eastgate Avenue, N. E., advised that instead of building a new stadium, the City should pave Williamson Road, provide Gainsboro with the funds that were previously committed to by the City, address traffic congestion on Orange Avenue, install universal turn lanes on Williamson Road, seek ways to save taxpayers' money, while not dividing the community.

File #122-66

Ms. Norma Smith, 11 14th Street, S. W., called attention to HUD funds which were allocated for Hurt Park. She requested clarification as to whether the funds were designated for Hurt Park, or for the Hurt Park neighborhood in general. In view of long standing community needs, she asked that the funds be used for the entire Hurt Park community.

File #60-165

12. CITY MANAGER COMMENTS: NONE.

THE MAYOR DECLARED THE MEETING IN RECESS FOR TWO BRIEFINGS BY THE CITY MANAGER AND FIVE CLOSED SESSIONS.

CERTIFICATION OF CLOSED SESSION. (6-0)

THE MEETING WAS DECLARED IN RECESS AT 6:50 P.M., TO BE RECONVENED AT 7:00 P.M.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 15, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Council Member Cutler was absent.)

The Invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, September 18, 2003, at 7:00 p.m., and Saturday, September 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Kermit and Dorothy Shriver that a portion of an alley located off Thyme Street, S. E., at the rear of Lots 4, 5 and 6, Official Tax Nos. 4041901 - 4041904, inclusive, be permanently vacated, discontinued and closed. Kermit and Dorothy Shriver, Spokespersons.

Adopted Ordinance No. 36487-091503 (6-0)
File #514

2. Request of L & M Properties, L.L.C., to rezone three tracts of land located on Wertz Avenue and Mississippi Avenue, N. E., consisting of 14.401 acres, more or less, identified as Official Tax Nos. 3130301, 3130504 and 3130312, from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. John H. Lipscomb, Member, L & M Properties, L.L.C., Spokesperson.

Adopted Ordinance No. 36488-091503 (6-0)
File #51

3. Request of L & M Properties, L.L.C., to rezone a tract of land located at 2820 Ridgefield Street, N. E., consisting of 0.1055 acre, more or less, identified as Official Tax No. 3130303, from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District. John H. Lipscomb, Member, L & M Properties, L.L.C., Spokesperson.

Adopted Ordinance No. 36489-091503 (6-0)
File #51

4. Request of GCSWVA Co., L.L.C., to rezone a tract of land located at the corner of Duke of Gloucester Street, S. W. (private), and Duke of Gloucester Street, S. W. (public), containing 1.3 acre, more or less,

identified as a portion of Official Tax No. 5500114, from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Dr. Dennis B. Weiserbs, Managing Member, Spokesperson.

Adopted Ordinance No. 36490-091503 (6-0)
File #51

- 5.(a) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Norwich Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36491-091503 (6-0)
File #165-200

- (b) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36492-091503 (6-0)
File #165-200

- (c) Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Morningside/Kenwood and Riverdale Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36493-091503 (6-0)
File #165-200

6. Application to the Department of Housing and Community Development for designation of a certain area in the City as an Enterprise Zone, to be incorporated within the City's current Enterprise Zone One designation which will expire on December 31, 2003. Darlene L. Burcham, City Manager.

Adopted Resolution No. 36494-091503 (6-0)
File #266

7. Proposed amendment of subsections (a) and (c), Section 36.1-345, District regulations; certificate of appropriateness, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to address installation or replacement of siding. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36495-091503 (6-0)
File #51-200

8. Proposed adoption of a resolution authorizing the City to contract a debt and to issue sewer revenue bonds of the City in a principal amount not to exceed \$25,000,000.00 to finance the costs of capital improvements to the Roanoke Regional Water Pollution Control Plant, pursuant to Section 15.2-2606.A, Code of Virginia (1950), as amended. Darlene L. Burcham, City Manager; and Jesse A. Jesse A. Hall, Director of Finance, Director of Finance.

Adopted Resolution No. 36496-091503 and Budget Ordinance No. 36497-091503 (6-0)
File #53-60-217-468

9. Proposed adjustment to the City of Roanoke Fiscal Year 2003-04 Budget, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program (CMERP). Darlene L. Burcham, City Manager.

Adopted Budget Ordinance No. 36498-091503 (6-0)
File #60-270

10. Proposed lease of a portion of City-owned property located at the Parks and Recreation Department, 210 Reserve Avenue, S. W., to Climbing Performance Institute, Inc., to operate the Rocwood Indoor Adventure Center, for an initial one-year term, with an option to extend for up to four additional one-year periods. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36499-091503 (6-0)
File #67-166-373

11. Proposed conveyance of a 15-foot easement to extend an existing overhead power line located at Patrick Henry High School, 2102 Grandin Road, S. W., to Appalachian Power Company, d/b/a American Electric Power, to provide electric service to a mobile classroom. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36500-091503 (6-0)
File #433-467

12. Proposed conveyance of a 15-foot overhead and underground easement, with a 40 square foot area, to accommodate a new pole across City-owned property on Barns Avenue, N. W., identified as Official Tax No. 6610101, to Appalachian Power Company, d/b/a American Electric Power, to provide underground electric service for the new Roanoke City School Transportation Facility. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36501-091503 (6-0)
File #29-433-467

B. OTHER BUSINESS: NONE.

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mrs. Zoe Hewitt-Stinnette, 2531 Peters Creek Road, S. W., spoke in support of a higher pay scale for public safety employees.
File #18-5-123

Mr. John Kepley, 2902 Morrison Avenue, S. E., continued his remarks from the 2:00 p.m. Council session in regard to construction of the proposed new stadium/amphitheater on Orange Avenue.
File #122-66

Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the City's aging infrastructure, creation of more jobs for Roanokers, and adequate wages for City employees.

File#18-184-66